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ABSTRACT

Contending that Senator Patrick McCarran of Nevada was the real force behind the communist witch hunts of the lage 1940s and early 1950s, this essay explores McCarran's legislative legacy. The first section examines McCarran's background and the legislative bodies over which he held sway. The second section delineates his legislative "Grand Strategy" (for the most part, still law today) for eradicating all vestiges of communist influence within the United States. The conclusion points out that McCarran's impact upon day-to-day operation of the United States government is just as strong now as it was 35 years ago; that McCarran was much more effective in his agenda than was Senator Joseph McCarthy because of the legislative agenda he pursued; and that the label "McCarthyism" should be replaced with that of "McCarranism." (SR)

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INSTITUTIONALIZING McCARTHYISM: AN EXPLORATION OF SENATOR PAT McCARRAN'S ANTI-COMMUNIST ACTIVITIES IN CONGRESS

by

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The first half of the 1950s have traditionally been called "the McCarthy Era". While this label holds many negatively connotative meanings for people, the accuracy of the title has been called into question as of late.[1] While the senator from Wisconsin did capture the momentary imagination of the nation during his sensational hearings and public investigations, no long term changes resulted from his efforts. On the contrary, a legislative legacy has been handed down by another senator of the 1950s, Patrick McCarran of Nevada.

It is my contention in this exploratory essay that McCarran was the **real** force behind the communist witch hunts of the late 1940s and early 1950s. The criterion for making this claim is his legislative success. McCarran sponsored and passed three of the key pieces of legislation which made the efforts of others, like McCarthy, possible. While McCarthy's chief weapon in fighting communism was his confrontational oratorical style, McCarran's weapon was his influence within the halls of government.

Patrick McCarran was also a 'true believer' in a conspiracy theory of history. His beliefs appear in sharp contrast to those of the senator from Wisconsin in that McCarthy only adopted the anti-communist issue when he saw that it would benefit him politically. McCarran, from the time he first entered the U.S. Senate in 1933, fought against communism. He believed that there

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[1]Professor Robert Newman has done this in his article "The Lingering Poison of McCarranism," The Carolinas Speech Communication Annual, Vol. 1, 1985, pp. 43-55.

was a 'Communist Conspiracy' through which the Soviet Union was planning to unite the entire planet under a one-world government, a communist government.

In this paper I briefly examine the background of McCarran and the legislative bodies over which he held sway. I then delineate McCarran's "Grand Strategy" for eradicating all vestiges of communist influence within the United States. Finally, I draw conclusions as to the accuracy of my initial claims. I do not examine the communicative patterns or analyze the public utterances of Senator McCarran. I will relate why he was successful in institutionalizing those principles which have come to be known as "McCarthyism".

McCarran The Man

To fully understand how Patrick McCarran became the 'most feared man in the Senate', an examination of his background and philosophy is necessary. Patrick Anthony McCarran was born in Reno, Nevada on August 8, 1876. By the time he reached the age of 21, McCarran had self-taught himself the law and had passed the Nevada Bar Exam. This in itself was not remarkable. However, McCarran also had become one of Nevada's most successful sheep farmers. He combined his two occupations by studying law while tending his flocks and reading aloud to the sheep in order to gain a deeper understanding of the law.

In 1912 McCarran was elected to the Nevada State Supreme Court. He served in this capacity until 1918, when he lost his

party's nomination to the court. McCarran later considered his stint as justice as a hindrance rather than a help in his lifelong ambition to become a member of the United States Senate.[2] After his defeat for Nevada Supreme Court, McCarran went back to practicing law in Reno. Among his most famous cases was serving as the representative for Mary Pickford, the movie starlet, in her divorce in 1920. This court decision cleared the way for easy and quick divorces, a characteristic which Nevada is known for even today.[3]

McCarran, in keeping with his senatorial ambitions, ran several times for U.S. Senate and lost each time due to the state political machinery in Nevada. Finally in 1933 he won his seat in the senate, the same position he would hold continuously until his death in 1954. McCarran was not the average senator, however. His political strategy is best described by the man himself in a 1916 letter to a young state legislator in Nevada. In that letter he gave advice as to how to be a successful lawmaker. McCarran's advice was

> 1. Don't strive for a position in the machinery of the legislature, such as that as speaker. The power is not there. "If I were a member-elect of the Legislature, I

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[2]McCarran wrote to A.J. Stebbenne (Las Vegas) in 1918, "My six years on the bench were six years of exile." This makes sense when it is realized that a State Supreme Court Justice could not run for any other political office while on the bench. This ran against McCarran's ambitions.

[3]See Jerome E. Edwards, "Patrick A. McCarran: His Years on the Nevada Supreme Court, 1913-1918," The Nevada Historical Society Quarterly, XVIII (Winter 1975), pp. 185-205.; and also Edwards, "Mary Pickford's Divorce," The Nevada Historical Society Quarterly, XIX (Fall 1976), pp.185-191.

would not aspire to any position, save that perhaps of chairmanship of some important committee.

2. Familiarize yourself with the statutes. "The fellow on the floor, with a knowledge of legislative affairs, who makes it a special point to verse himself in statutes already in existence. . .will be that greatest power in any legislative body.
3. Avoid being a party wheelhorse. Be absolutely independent. McCarran then goes on to describe the model of the 'good legislator', Robert M. LaFollette.[4]

McCarran's advice is prophetic in how it foretells his own career. One of the aspects of his political career was that McCarran always remained fiercly independent. Although a Democrat, McCarran never allied himself with any party platform. McCarran had his own agenda.

Upon his election to the U.S. Senate in 1933, McCarran was appointed to two of the most influential committees in Congress, the Judiciary Committee and the Appropriations Committee. From 1933 until the 1948 election, McCarran held no major position on the committees. Previous to that time he was a minority member of the Joint Congressional Committee on Foreign Economic Cooperation, the self-styled "watchdog" committee formed by an alliance of conservative Democrats and Republicans to keep an eye on the actions of the Truman administration. After the 1948 election McCarran became the chairman of the committee. He also became chairman of the Senate Judiciary Committee and the Appropriations subcommittee on the Departments of State, Justice, and the Judiciary. Through his membership on these legislative

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[4]These three points are excerpted from a letter McCarran wrote to George Ackerman (Mina, Nev.), Nov. 16, 1916. Letter may be found in the Itemized files of the McCarran Papers, Reno, Nevada.

bodies, McCarran was able to influence funding for three key areas of government.

After 1948 McCarran consolidated his power base within Congress. He emerged as the leader of the alliance between conservative Democrats, largely from the South and the West, and of Republicans. This faction of the senate held great power in that it was able to hold up or expedite legislation. It was against this backdrop that certain congressmen, like Senator McCarthy, sprang to prominence. McCarran was highly sympathetic to the anti-communist cause from the outset of his congressional career. An example of this occurred in the debate on the Lend-Lease bill in the early days of World War II. McCarran's main argument against this legislation was that we would be aiding "Communist Russia". He stated

> [At the time of the drawing up of the Lend-lease Bill]. . . communism was then in the United States. It had been implanted here. It was implanted here when we recognized Soviet Russia. . . .the President at that time stated that there would be no communistic propaganda put out or planted in this country. . . Yet today we are enhancing communism in this country, enhancing it because we know it is here, because the Dies committee, coming from a coordinate branch of Government says it is here. It is here, right with us, and we are going now to say that we will give a sponsorship to it by aiding, by lending, by giving.[5]

If anything, McCarran's attitudes toward the "Communist Menace in America" hardened over time. The combination of anti-communist ideology and his powerful position within the senate made Patrick McCarran the spokesman for the issue of governmental internal

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[5]Speech by Senator McCarran on the floor of the U.S. Senate, The Congressional Record: Senate, 4 September 1941, p. 7305.

security. It was only a matter of time before the congress formed a subcommittee on the 'communist threat' in America.

The House Special Committee on Unamerican Activities, more commonly referred to as the Dies Committee (after its chairman, Martin Dies) or HUAC, was the long standing committee in congress in the area of internal security. When McCarran became the chairman of the Senate Judiciary Committee in 1948, he saw the need for a committee of like kind in the upper house. The result was the formation of the Senate Internal Security Subcommittee in 1949. McCarran was the chairman and key proponent. The SISS, as it came to be called, held numerous hearings over the next 15 years, although McCarran's irdelible stamp is easily seen even after his death in 1954.[6]

In contrast, Joe McCarthy, the junior Senator from Wisconsin, was in his first term in Washington, being elected in 1946. As late as 1949 McCarthy was focusing on housing problems as his "pet issue". All was not going as well as he hoped in terms of notoriety and attention in the press back home. As Thomas Reeves, a McCarthy biographer, has stated

> Joe [McCarthy]turned toward anti-communism in mid-October [1949] in large part because he had run out of other issues that could be used to vault his name into headlines and help

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[6]Numerous hearings were held around the nation by the SISS. Examples of these are "Hearings on Communist Propaganda Activities in the United States", "Hearings on Communist Domination of Union Officials in Vital Defense Industry--International union of Mine, Mill, and Smelter Workers", and "Hearings on the Subversive Influence in the Dining Car and Railroad Food Workers Union". All of these hearings were held under the broad purview of the Senate Judiciary Committee, of which McCarran was also chair.

> insure his reelection. . . .Right-wing anti-Communism was widely embraced by Republicans (and a sprinkling of conservative Democrats) at the time, and it is entirely understandable that McCarthy should have joined the parade.[7]

McCarran carefully laid the groundwork so that McCarthy (and others) could exploit the issue of anti-communism. While Martin Dies had been also preparing the groundwork since the late 1930s, McCarran developed the strategy for combating Communism in the United States. In the next section his 'Grand Strategy' is examined.

McCarran's 'Grand Strategy'

McCarran was the only one of the prominent anti-communist 'witch hunters' of the 1950s to develop a legislative agenda to deal with the problem. The Dies committee had been instituted as a temporary committee in 1938 and converted to a standing committee in 1944, although the committee had no overriding legislative purpose. As we have seen, McCarthy arrived late on the scene and had no real plan for fighting Communism. McCarran was a 'true believer' in the evils of Communism and plotted a long-term legislative agenda on the subject.

McCarran's legislative agenda focused around three pieces of legislation. First, he proposed and the Congress passed the Internal Security Act of 1950. Second, he proposed the McCarran-Walter Act of 1952, which placed controls on immigrants into the United States. Finally, McCarran sponsored the Communist Control

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[7]Thomas C. Reeves, The Life and Times of Joe McCarthy. New York: Stein and Day, 1982, p. 200.

Act of 1954. These were the building blocks of his long-term strategy on how to conquer Communism in America. McCarran was meticulous in his pursuit of communists and perceived communists. These three laws gave him the right to do so.

The first part of McCarran's plan emerged from the Senate Judiciary Committee during July 1950, over the protestations of other senators and President Truman himself. The new bill "wrapped into one package a half-dozen measures to curb subversive activities."[8] The new "McCarran Bill", as it came to be called, combined the most stringent aspects of several plans submitted to the Judiciary. McCarran's rationale for his bill was that "the Communist fifth column is a clear and present danger to this Government."[9]

One of the more notable provisions of this bill required all members of the Communist Party USA to register with the Federal Government. Another mandated that communists were to be excluded from Federal Governmental employment (except by election) and from all defense contractors. Another seemingly ridiculous section of the bill required the labeling of all printed, broadcast, or televised material from communist organizations as "communist in nature". The bill also granted the Federal Government the right to refuse to issue passports to Americans

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[8]"New Senate Bill Combines Six Anti-Subversive Measures," The Washington Post, 18 Aug. 1950, p. 1.

[9]U.S., Congress, Senate, Senator McCarran speaking for his anti-communist bill, S. 4037, 81st Cong., 2d Sess., Sept. 5, 1950, Congressional Record, XCVI, 14171.

who professed to be communists. Any non-American considered to by either a current or past "enemy alien" could be excluded from entering the United States as well. Finally, the bill established a communist control board to decide the legalities of the bill, rather than allowing the court system to determine its legality.[10]

Critics of the bill claimed that it was the beginning of an American Police State, very much like the Soviet Union under Stalin. This criticism was a bit overstated, but the bill did seriously reduce individual rights in the country. The bill passed the Senate 70-7, attesting to McCarran's ability to get "his" legislation through Congress. After going to conference committee, the House version of the bill passed 312 to 20.[11] President Truman vowed to veto the measure, no matter the cost. Several days later the house overrode Truman's veto by a vote of 286 to 48.[12] In the years since the enactment of the Internal Security Act many portions of the bill have been attacked in court. For the most part, however, the bill remains intact today.

In the year which followed his legislative success of 1950, McCarran diversified his attack into the non-legislative arena. He focused his attention upon a group of State Department

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[10]"McGrath Hits McCarran Bill to Curb Reds," The Washington Post, 27 Aug. 1950, p. 1.

[11]C.P. Trussell, "Red Curbs Passed by House 312 to 20; Truman is Worried," The New York Times, 21 Sept. 1950, p. 1.

[12]"House Defeats Truman," San Francisco Examiner, 23 Sept. 1950, p. 1.

employees who were responsible for U.S. relations with China. In 1949 the pro-American Chinese government of Chiang Kai-Shek fell to the Communist government of Mao Tse-Tung in a bloody civil war. McCarran, as well as many other people, believed that the U.S. had "lost" China to the Communists. At first most people believed that the State Department had blundered in China. With the onslaught of the paranoia which gripped the early 1950s many became increasingly convinced that there had been a "conspiracy" at State to allow the communists to win the war.

McCarran made such an assumption. He even went further in that he was convinced there was a single person in the United States who controlled all communist and subversive activities within the country. As a result, McCarran convened a series of hearings to investigate the Institute of Pacific Relations, a scholarly organization whose primary function was to foster better relations between Pacific Rim countries. McCarran never developed any legislative goals for the hearings. Members of the investigating committee secretly "discovered" the supposed kingpin in the Communist Conspiracy within the U.S. A mild-mannered Johns Hopkins professor, Owen Lattimore, was identified as the chief communist leader in the country. The next few months were spent listening to testimony on the Lattimore/IPR case.

One major difference between McCarran's and McCarthy's investigations was that McCarran would attempt to maintain the dignity of the Senate, while McCarthy had little respect for the vagaries of congressional protocol. Whereas McCarthy would openly

attack his witnesses, McCarran would hold "executive session" hearings which would protect his witnesses as well as allow him time to assemble a 'correct' version of events in order to seemingly support his contentions. While McCarthy was a political opportunist, McCarran was a political idealogue committed to rooting out the last vestiges of the 'red menace'. This difference also reflects each man's perceived power base. McCarthy was a congressional outsider seeking notoriety. McCarran was a powerful establishment figure within the halls of power, this was his power base.

Lattimore was eventually brought up on charges of being a subversive under the definition formed in the Smith Act of 1940.[13] The evidence did not actually support the charges, but McCarran promised the incoming U.S. Attorney General James P. McGranery swift approval if he would recommend the Lattimore case to the Grand Jury for prosecution. McGranery agreed and Lattimore was charged with being the chief Soviet agent in the United States. Lattimore's battle continued for several more years, subsiding only with the death of Patrick McCarran.

The second major legislative accomplishment of McCarran's Grand Strategy was the enactment of the McCarran-Walter Immigration and Naturalization Act of 1952. This act revised and codified all of the existing immigration laws and combined them.

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[13]The Smith Act was enacted in order to curtail subversive elements in American society by establishing criteria for imprisonment and punishment for primarily political beliefs. There were a number of convictions of subversives under this law.

Anti-Communism was not the main focus of the act, but many aspects of the Subversive Control Act of 1950 were modified and liberalized in some small measure. The overall philosophy which guided the earlier bill also lead the McCarran-Walter Act. Plainly stated, this overriding philosophy was that the legislation was written in order to protect America from subversive and undesirable groups of people. McCarran believed immigration to be a negative process, which should be carefully regulated. McCarran stated

> Today, as never before, a sound immigration and naturalization system is essential to the preservation of our way of life, because that system is the conduit through which a stream of humanity flows into the fabric of our society. If that stream is healthy the impact on our society is salutary, but if that stream is polluted our institutions and our way of life become infected.[14]

After much debate on the floor of both houses of Congress, the McCarran-Walter Act passed by a two to one margin. Once again President Truman vetoed the measure, but the Congress overrode his veto by a narrow margin. McCarran called the Truman veto "un-American", and "Conforming to the communist doctrine".[15]

The final legislative accomplishment of McCarran in his Grand Strategy to eradicate domestic communism was the Communist Control Act of 1954. This bill related primarily to labor unions and communist influence within those organizations. Interestingly

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[14]U.S., Congress, Senate, Committee on the Judiciary, Revision of Immigration, Naturalization, and nationality Laws, Joint Hearings, before the subcommittees of the Committee on the Judiciary, Senate, 82nd Cong., 1st Sess., 1951, p. 2.

[15]Anthony Leviero, "Truman Vetoes Immigration Law," The New York Times, 26 June 1952, p. 1.

enough, the mood of the nation had caught up to McCarran by this time and he ended up arguing a more moderate line than some of the earlier versions of the bill. McCarran advocated allowing the Communist Party to exist in the United States, although he realized that the Internal Security Act of 1950 did allow great control over the Communist Party USA. Other senators, namely Mike Mansfield, argued directly to enact a ban outlawing the Communist Party in the United States. The Communist Control Act encountered very little opposition by anyone in either house of Congress.[16]

Patrick McCarran's tripartheid Grand Strategy is, for the most part, still law today. The immigration and Naturalization Service estimates that there are approximately 8,000 people from 98 countries who are restricted from entering the United States because of their political beliefs.[17] By far the largest national contingent is from Canada. Over 3,000 Canadian citizens are unable to cross the U.S. border for any reason. In a very real sense McCarranism is still with us, despite his death in 1954. McCarthyism is now a definition describing a certain set of circumstances. McCarranism causes these circumstances to occur. We should attempt to be accurate in our naming of the period, the process, and the legacy. McCarranism is the more accurate term.

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[16]The House passed the law 265 to 2; the Senate passed the law by a vote of 79 to 0. Source: U.S., Congress, Senate, 83rd Cong., 2d Sess., 19 Aug. 1954, Congressional Record, C, 15121.

[17]Newman, p. 46.

Conclusions

In conclusion, there are several salient points which need to be addressed. First, Patrick McCarran's impact upon the day-to-day operation of the United States Government is just as strong today as it was 35 years ago during the communist witch hunts. Freedom of travel is restricted for non-Americans because of political beliefs. Our government shields the "average American" from much propaganda which has been produced in the past.[18] This paternalistic role is squarely in the McCarran tradition of "protecting America from subversive elements".

A second point which should be reiterated is that McCarran was much more dangerous to individual liberties in the United States than was McCarthy primarily because of the legislative agenda McCarran pursued and accomplished. McCarran was more effective when viewed over the long term than was Joe McCarthy. Despite all of McCarthy's ranting and ravings, he was still an outsider to the circles of power in Washington. He was not in the position to enact the long term changes which McCarran did.

A corollary of this point is that McCarthy's communicative patterns were more effective in conveying an immediate message because he was adapting to his constituency, the media and the public at large. McCarran's communicative strategies were not as

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[18]A specific instance of governmental protectionism is the Nazi propaganda film Der Erwige Jude! (The Eternal Jew). To view this film in the U.S., a researcher must obtain a security clearance from the State Department and then travel to Washington, D.C. in order to view the film in very controlled surroundings.

effective in communicating to the public, but he was not trying to appease the press and the public. He worked quietly behind the legislative scenes effectively putting forward his Grand Strategy in order to eradicate domestic communism.

Finally, if achieving long-term goals and establishing a national policy toward a particular ideological belief system is considered effective, then we would be well served to replace the inaccurate term of "McCarthyism" with the more accurate term of "McCarranism". Despite the final labeling of one of the darkest periods of American history, one fact is frighteningly clear: Patrick McCarran's commitment to defeating communism has changed not only how we communicate with other nations, but also how we view other Americans who may have differing belief systems from our own.

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